

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: Plat, P 5-3-05 / Colonnade at University / 4640 University Drive / Generally located on the east side of University Drive approximately 400 feet south of Griffin Road

AFFECTED DISTRICT: 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “COLONNADE AT UNIVERSITY” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner requests approval of the plat known as “Colonnade at University.” The plat consists of .58 net acres (25,428 square feet) and is restricted to 12,000 square feet of office use. Access onto the site is provided along University Drive as a fifty (50) foot right turn-in and out lane. According to the submitted conceptual site plan, access will also occur along SW 78th Avenue.

The proposed plat is a nonconforming lot being that it does not meet current minimum parcel requirements of the Griffin Corridor District, University Drive Node (UDN). The petitioner has submitted a letter (see attached planning report) indicating that the subject property is in compliance with the provisions outlined in Section 12-38, Nonconforming Lots, of the Land development Code.

PREVIOUS ACTIONS: none

CONCURRENCES: At the January 10, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve. (Motion carried 5-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration subject to the following conditions:

1. Shall be subject to sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
3. Provide a letter of no objection from the Broward County development report.
4. Provide release letter from all the required utilities to plant within the utility easement

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "COLONNADE AT UNIVERSITY" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Colonnade at University" was considered by the Town of Davie Planning and Zoning Board on January 10, 2007:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Colonnade at University" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner:

Name: Pillar Consultants, Inc.
Address: 5400 S. University Drive #101
City: Davie, FL 33328
Phone: 954-680-6533

Owner:

Name: Michael Finazzo Trust
Address: 8858 Bloomfield Blvd.
City: Sarasota, FL 34238
Phone: 954-680-6533

Background Information

Application Request: Approval of plat known as “Colonnade at University”

Address: 4640 University Drive

Location: Generally located on the east side of University Drive approximately 400 feet south of Griffin Road

Future Land Use

Plan Map Designation: Commercial

Existing Zoning: Griffin Corridor District, University Drive Node (UDN)

Existing Use: Vacant

Proposed Use: 12,000 square feet of office use

Net Parcel Size: .58 acres (25,428 square feet)

Gross Parcel Size: .62 acres (27,055 square feet)

Surrounding Uses:

North: CVS pharmacy
South: Midas Muffler
East: Single family home
West: Shopping center

Surrounding Land

Use Plan Map Designations:

North: Commercial
South: Commercial
East: Commercial
West: Commercial

Surrounding Zoning:

North: Griffin Corridor District, University Drive Node (UDN)
South: Griffin Corridor District, University Drive Node (UDN)
East: Griffin Corridor District, University Drive Node (UDN)
West: B-2, Community Business District

Zoning History

Related Zoning History: Ordinance No. 2000-007, approved by Town Council, rezoned this parcel to the Griffin Corridor District – University Drive Node (UDN) on February 2, 2000.

Previous Requests on same property: Not applicable.

Concurrent requests on same property: Not applicable.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of .58 net acres (25,428 square feet).
2. *Restrictive Note:* The plat is restricted to 12,000 square feet of office use.
3. *Access:* A 50 foot right turn-in and out only along University Drive. There will also be access along SW 78th Avenue.
4. *Trails:* There is an existing recreational trail within the public right-of-way along University Drive located on the western side of the subject site.
5. *Easements and Reservation:* The plat is proposing the following easements:
 - a. Ten (10) foot utility easement along the northern, eastern and southern boundary lines.
 - b. Fifteen (15) foot utility easement along the western boundary line.
 - c. Twenty (20) foot drainage easement along the western boundary line.
6. *Dedications:* The plat is proposing 1,627 square feet of public right-of-way dedication along University Drive located on the western side of the subject site.
7. *Drainage:* The subject property lies within Central Broward Water Control District, and approval from Central Broward Water Control District shall be obtained prior to issuance of any site development permit.
8. *Compatibility:* The proposed plat for office use can be considered compatible with both existing and allowable uses on the adjacent properties.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Article XII Subdivisions and Site Plans.

Section 12-32.306 of the Land Development Code, Minimum parcel requirements (University Drive Node), requires the following minimums for the “Other” Use group: lot area of 43,560 square feet, lot frontage of 200 feet, lot depth of 250 feet.

Section 12-38 of the Land Development Code, Nonconforming lots. A principal building and customary accessory buildings may be erected on a single lot, tract or parcel of land, notwithstanding limitations imposed by other provisions of these regulations, if:

- (1) The erection of such building(s) was permissible prior to the adoption of these regulations (“these regulations” is in reference to Ord. No. 90-4); and
- (2) The single lot, tract or parcel of land was shown on a recorded map, plat, drawing or survey prior to the adoption of these regulations, or, in the case of lands zoned RR district, occurred prior to the date of adoption of the applicable Broward County zoning regulations in effect at the time of annexation; or
- (3) The single lot, tract or parcel of land was shown on a plat, drawing or survey, which was registered with the Department of Business Regulation, Division of Florida Land Sales, prior to the effective date of the adoption of these regulations, or in the case of lands zoned RR District, occurred prior to the date of adoption of the applicable Broward County zoning regulations in effect at the time of annexation; and
- (4) The single lot, tract or parcel of land shall meet the minimum property development regulations, except minimum lot size requirements, that are generally applicable in the district, except as may be provided through the granting of a variance pursuant to Article X. (Ord. No. 90-4).

Section 12-360(B) (1) of the Land Development Code, platting requirements.

Section 12-366.1 (A) thru (D) Submission requirements for plats.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density

ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicate

Planning and Zoning:

1. Utility easements are in direct conflict with the location of landscape buffers on the conceptual plan. If utilities are placed in these areas and permission to plant the required materials cannot be obtained, then additional areas for landscape buffers must be provided. *(The petitioner in the process of obtaining the required release letters from all the required utilities to plant within the utility easement).*

Engineering:

1. Provide certificate of ownership showing simple title and encumbrances.

Staff Analysis

The proposed “Colonnade at University” plat is required since the petitioner desires to construct an office building on the subject site. The proposed plat is a nonconforming lot being that it does not meet the current minimum parcel requirements of the Griffin Corridor District, University Drive Node (UDN). According to Section 12-38 ‘Nonconforming lots’ of the Land Development Code (noted above), a principal building may be erected on a single lot, tract or parcel of land, notwithstanding limitations imposed by other provisions of these regulations, if provisions 1 and 2 or 3 and 4 are met. The petitioner has submitted a letter (see Exhibit 4) which indicates that the subject property is in compliance with the provisions outlined in Section 12-38 of the Land Development Code. The proposed plat will be subject to the Griffin Corridor District, University Drive Node, development standards and conceptual site plan submitted with this plat application. Modifications may apply to the conceptual site plan once the proposed plat receives approval from CBWMD.

Findings of Fact

Staff finds that the proposed “Colonnade at University” plat is in accordance with the Comprehensive Plan and Land Development Code. The proposed office building may be considered compatible with existing and future uses to the north and south along University Drive.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Shall be subject to sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
3. Provide a letter of no objection from the Broward County development report.
4. Provide release letter from all the required utilities to plant within the utility easement.

Planning and Zoning Board Recommendation

At the January 10, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve. (Motion carried 5-0)

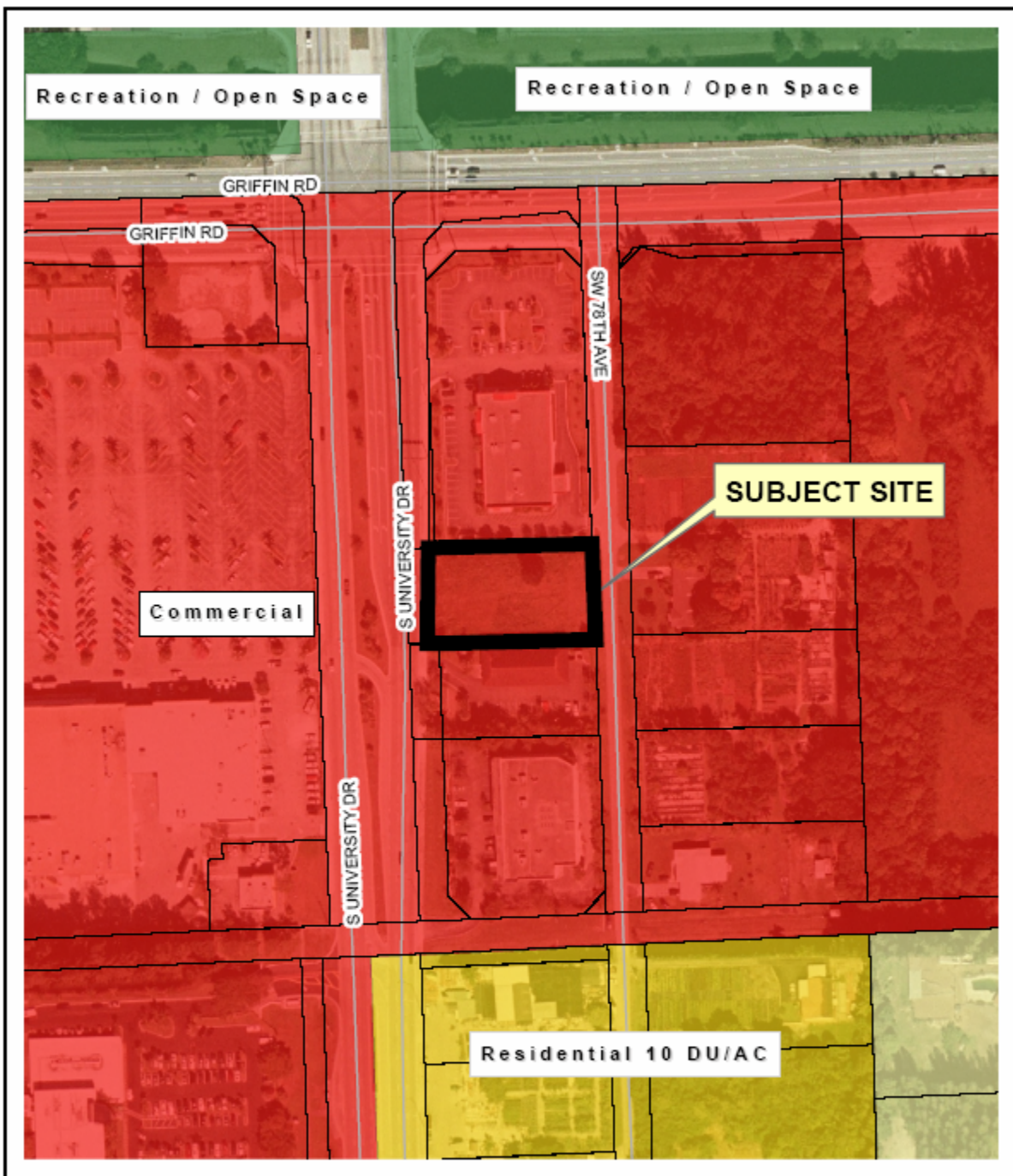
Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Conceptual Site Plan
4. Petitioner's letter of compliance with Section 12-38 of the Land Development Code
5. Plat

Prepared by: _____

Reviewed by: _____



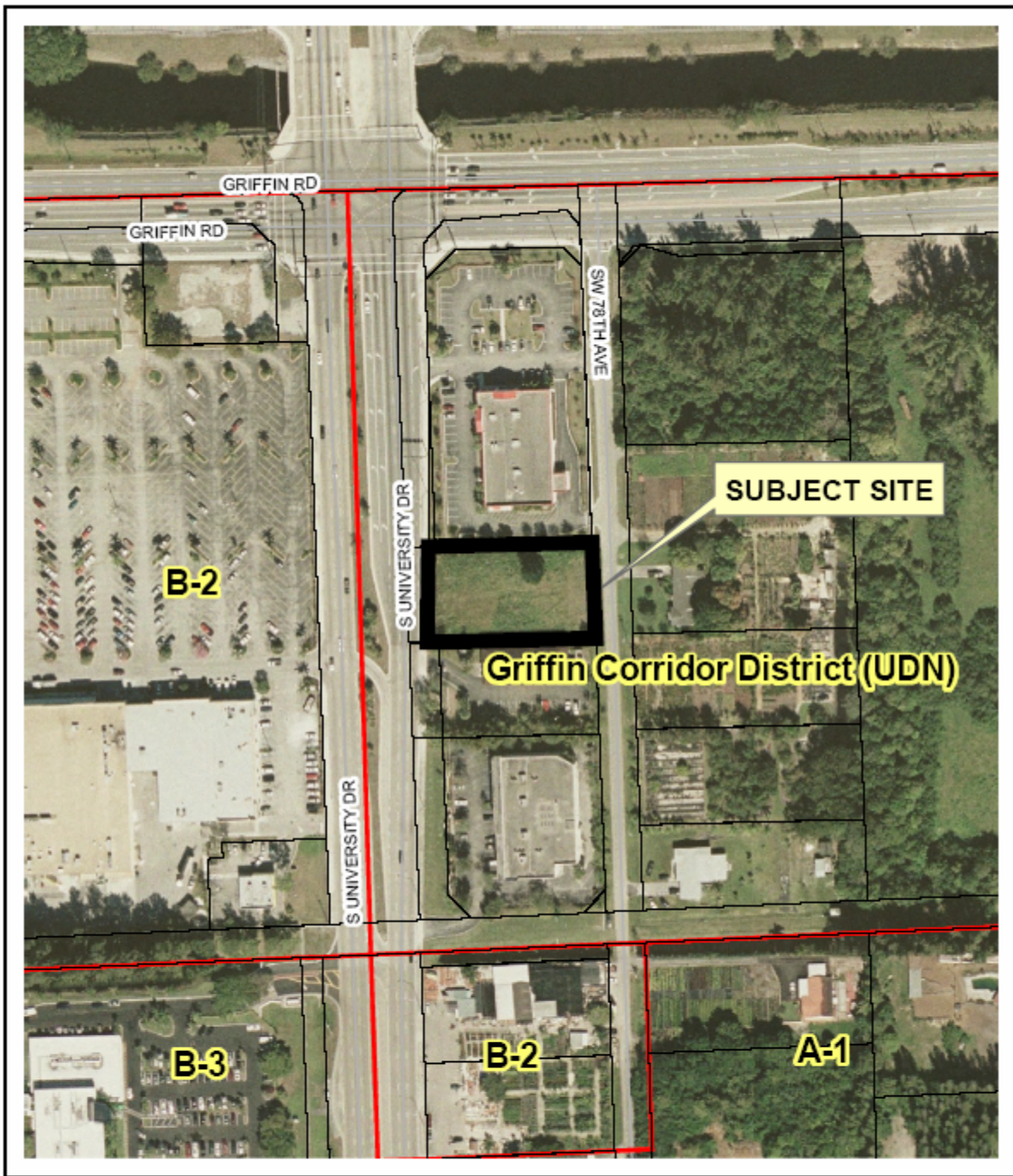
Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Plat
P 5-3-05
Future Land Use Map

Prepared by: ID
Date Prepared: 1/2/07



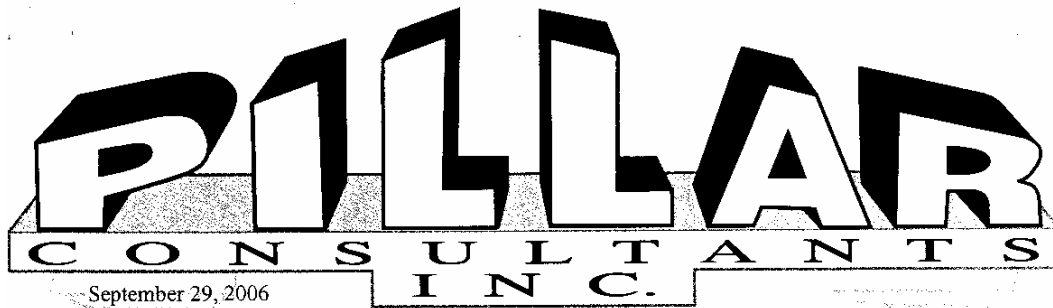
Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Plat P 5-3-05 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 1/2/07



September 29, 2006

Lic. #QB-0015697

Ms. Ingrid M. Allen, Planner I
Town of Davie
Development Services Department
Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314

Re: COLONNADE AT UNIVERSITY Plat (P 5-3-05)
Pillar Job No. 04062X

Dear Ingrid,

Please accept this as our "Notarized letter in compliance with the provisions outlined in Section 12-38". Enclosed is a copy of the recorded warranty deed indicating this property was a parcel of record prior to 1990 and a copy of the signed and sealed survey no older than two (2) years.

This property is in compliance with the provisions of Sec. 12-38 "Nonconforming Lots" by meeting the conditions of Items 1, 2, and 4.

Item 1: *The erection of such building(s) was permissible prior to the adoption of these regulations; The erection of a building on this property was in fact permissible as evidenced by the construction of the Midas Muffler shop on the adjacent parcel to the south which is an identical sized parcel to this one.*

Item 2: *The single lot, tract or parcel of land was shown on a recorded map, plat, drawing or survey prior to the adoption of these regulations; This land is shown on a plat - Newman's Survey recorded in Plat Book 2, Page 26 of the public records of Miami-Dade County, Florida (see legal description on enclosed survey) and This single parcel of land was a lot of record prior to 1990 as evidenced by the enclosed print out of the Broward county Property Appraisers web site for this property - the Warranty Deed was recorded May 1972.*

**General Contracting • Design/Build • Construction Management
Consulting Engineers • Planners • Surveyors**

5230 SOUTH UNIVERSITY DRIVE, SUITE 104 • DAVIE, FLORIDA 33328 • OFFICE 954-680-6533 • FAX 954-680-0323

Item 4: *The single lot, tract or parcel of land shall meet the minimum property development regulations, except minimum lot size requirements, that are generally applicable in the district, except as may be provided through the granting of a variance pursuant to Article X. This requirement is hereby acknowledged.*

In consideration of this notarized letter and the supporting documentation, it is our position that variances for Lot Size (lot area, lot frontage and lot depth) are not required.

Should you have any questions, please do not hesitate to contact me.

Sincerely,
PILLAR CONSULTANTS, INC.

Jay C. Evans

Jay C. Evans, President

Enclosures

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing letter was subscribed and sworn to before me this 29th day of September, 2006, by Jay C. Evans who is personally know to me and who acknowledged to and before me that he executed the same freely and voluntarily for the purposes therein expressed.

Carlos A. Hoyos

Signature

Print Name: *Carlos A. Hoyos*

NOTARY PUBLIC - STATE OF FLORIDA



Carlos A. Hoyos
Commission #DD314461
Expires: Apr 28, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Commission Stamp

IMPORTANT: If you are looking to purchase this property, the tax amount shown may have no relationship to the taxes you will pay. Please use our Tax Estimator to determine a more likely estimate of your new amount.

PREVIOUS

NEXT

[VIEW MAP](#)

PRINT

NEW SEARCH

ECPA HOME

[Click here to display your 2005 tax bill.](#)

Site Address		ID #	5041 28 01 0372
Property Owner	COLONNADE AT UNIVERSITY LLC	Millage	2443
Mailing Address	5400 S UNIVERSITY DR #101 FORT LAUDERDALE FL 33328	Use	10

Legal Description	NEWMANS SURVEY 2-26 D 28-50-41 TR 31 S 128 OF N 606, LESS E 350 & LESS W 60 FOR RD & LESS PARCEL 115 FOR RD AS DESC IN OR 16678/407
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Property Assessment Values					
Tax Year	Land	Building	Land Value AG	Total	Tax
2006	\$ 178,160			\$ 178,160	
2005	\$ 178,160			\$ 178,160	\$4,205.31
2004	\$ 149,650			\$ 149,650	\$3,637.54

Save Our Home Value	Exemptions			
	Type	Widow(er)'s/Veteran's/Disability	Homestead	Non-Exempt
				\$ 178,160

Sales History					Land Calculations		
Date	Type	Price	Book	Page	Price	Factor	Type
10/05	TD	\$ 425,000	41110	1540	\$6.25	28,505	SF
01/88	W	\$ 100	15111	872			
12/87	W	\$ 100					
05/72	W	\$ 10,000					
					Adj. Bldg. S.F.		

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
24			B		
L			B		
1					

Please Note: Assessed values shown are NOT certified values and are subject to change before final certification for ad valorem tax purposes.